

RULES OF THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT

SCOPE AND EFFECTIVE DATE

These rules for the District Court of the Sixth Judicial District shall become effective upon approval by the Supreme Court and publication in the Nebraska Advance Sheets and shall supplement the Uniform District Court Rules of Practice and Procedure adopted by the Supreme Court.

RULE 6-1

JOURNAL ENTRIES

It shall be the duty of the party directed by a Court to promptly prepare the proper journal entry, order, judgment, or decree. The proposed journal entry, order, judgment, or decree shall be submitted to opposing counsel for approval as to form and submitted to the Court for its signature within 10 days.

RULE 6-2

DOMESTIC RELATION CASES

A. Property and Liability Statement:

(1) When property and liability division is contested at final hearing, the parties shall prepare a joint property and liability statement for use as an exhibit at trial. The Plaintiff shall prepare a complete property and liability statement and serve a copy upon the opposing party 60 days prior to trial. The Defendant shall then complete the property and liability statement by adding to it any additional items of property and liabilities and the Defendant's opinions of value of all property and liabilities listed. The Defendant shall serve a copy of the revised property and liability statement upon the Plaintiff at least 30 days prior to trial.

The property and liability statement shall be similar to and contain the information identified in Appendix No. 1 attached to these rules.

(2) Extensions and Pretrial Filing Deadline: Either party may request an extension of time for filing or completing property statements on written motion and good cause shown. Except by agreement of the parties or order of the Court, amendments to the property and liability statement shall not be permitted unless served upon opposing counsel at least 10 days prior to trial. Property and liability statements shall not be filed with the Clerk of the District Court; however, proof of service shall be filed with the Clerk of the District Court.

B. Temporary Relief Hearing (i.e. Support, Custody, Etc.): All applications for temporary support, allowances, custody, parenting time, restraining orders, etc. shall be supported by evidence in the form of affidavits unless otherwise allowed by the Court upon a showing of good cause. No affidavit regarding temporary relief applications, other than ex parte relief allowed by statute, shall be considered by the Court, unless a copy has been served on the opposing party not less than 24 hours (Saturday and Sunday excluded from this calculation) prior to the temporary hearing.

Except for good cause shown, no more than 20 pages of affidavits (excluding exhibits attached thereto), will be considered by the Court at the time of the temporary hearing.

Where child support is an issue, counsel shall also prepare and exchange the applicable child support worksheets not less than 24 hours (Saturday and Sunday excluded from this calculation) prior to the temporary hearing.

C. Ex Parte Custody Orders: No ex parte order shall be entered in a domestic relations case without one or more supporting affidavits from a party or his or her witnesses. Except for good cause shown, no ex parte temporary order shall be entered in a pending case if the opposing party is represented by counsel or a guardian ad litem/attorney for minor(s) has been appointed. If an ex parte order is issued, it shall be served upon the opposing party or counsel forthwith, and a temporary hearing date and time shall be set forth therein.

D. Education and Mediation in Domestic Relations Cases:

Parenting Education Course: Parties to domestic relations matters involving parenting issues of children are required to attend an approved parent education program within sixty (60) days from date of service of process or the date filing a voluntary appearance. A list of approved programs can be obtained from the Administrative Office of the Court.

This requirement applies to all cases in which parenting issues are involved, including dissolution of marriage, determination of paternity, motions to enforce existing orders, and applications to modify existing custody orders.

Participation in the course may be delayed or waived by the Court for good cause shown. Failure or refusal by any party to participate in the course shall not delay the entry of a final judgment by more than six (6) months.

If the Court deems it appropriate, the parties may be required to complete a second level parenting class.

E. Parenting Plan/Mediation:

(1) For cases filed on or after July 1, 2010, all parties who have not submitted a parenting plan to the Court within the time specified by the Court shall be required to participate in mediation or specialized alternative dispute resolution with an approved mediator to complete a parenting plan or visitation schedule, including child custody, parenting time, grandparent visitation, and any other issues relating to the children that may be susceptible to mediation. A list of approved mediation service providers can be obtained from the Administrative Office of the Court.

No trial date will be scheduled until mediation to resolve custody and/or parenting time/visitation issues have been attempted; provided, however, that failure to reach an agreement on a parenting plan shall not delay entry of a final judgment by more than 6 months. It is further provided that, notwithstanding the language in this paragraph, domestic violence issues may, upon consideration by the trial court, disqualify the parties from mediation. On or after July 1, 2010, a party may not terminate mediation until after an individual, initial screening session and one mediation or specialized alternative dispute resolution session are held.

(2) When, in any case involving parenting issues as described in paragraph (1), there are allegations of domestic intimate partner abuse or unresolved parental conflict between the parties in any proceeding, or when screening by a mediator or mediation center identifies the presence of child abuse or neglect,

unresolved parental conflict, domestic intimate partner abuse, other forms of intimidation or coercion, or a party's inability to negotiate freely and make informed decisions, then mediation shall not be required; however, the parents shall be required to meet with a mediator who is a trained facilitator in specialized alternative dispute resolution. The list of such trained and approved mediators can be obtained from the Administrative Office of the Courts.

The specialized alternative dispute resolution process shall begin with each parent meeting individually with a qualified facilitator to provide an opportunity for the facilitator to educate each party about the process; obtain informed consent from each party in order to proceed; establish safety protocols; allow support persons to attend sessions; and consider opt-out-for-cause. Any party may terminate after an initial, individual screening session and one specialized alternative dispute resolution session are held. The primary consideration in each specialized alternative dispute resolution session shall be the safety of each party and each child. The facilitator of the process has a duty to determine whether to proceed in individual sessions or caucus sessions in order to address safety and freedom to negotiate. Joint sessions shall not be used unless, after a safety assessment by the facilitator, all parties agree to a joint session to be conducted at the courthouse, with appropriate safety measures in place.

(3) For good cause shown and (i) when both parents agree and such parental agreement is bona fide and not asserted to avoid the purposes of the Parenting Act or (ii) when mediation or specialized alternative dispute resolution is not possible without undue delay or hardship to either parent, the mediation or specialized alternative dispute resolution requirement may be waived by the court. In such a case where waiver of the mediation or specialized alternative dispute resolution is sought, the court shall hold an evidentiary hearing and the burden of proof for the party or parties seeking waiver is by clear and convincing evidence.

F. Child Support Guidelines Calculations:

(1) In all matters in which a final order includes the setting of child support, a child support guideline calculation shall be completed by the parties and submitted to the court. A copy of said child support guideline calculation shall be attached to every proposed order submitted to the court.

(2) If a deviation is proposed to be granted, the proposed order shall contain specific findings of fact which support the conclusion that a deviation is warranted, a completed worksheet 5 as specified in Neb. Ct. R. § 4-203, or both.

RULE 6-3

TELEPHONE CONFERENCE HEARINGS

A. A matter may be heard by telephonic conference call by permission or direction of the Court.

B. All nonevidentiary hearings, and any evidentiary hearings approved by the Court and by stipulation of all parties that have filed an appearance, may be heard by the Court telephonically or by videoconferencing or by use of similar equipment, at any location within the judicial district as ordered by the Court and in a manner that ensures the preservation of an accurate record. Such hearings shall not include trials before a jury.

C. Unless otherwise ordered by the court, all documentary evidence shall be submitted to the court at least 3 working days in advance of the hearing with copies to other counsel or pro se parties.

D. The party requesting the telephone conference call shall be responsible for:

(1) arranging the time for the conference call, with the Clerk if scheduled for a motion day and with the judge if scheduled otherwise;

(2) serving written notice, clearly stating that the hearing will be held by telephone conference, on all other parties who will participate in the conference call.

(3) initiating the call promptly at the time scheduled and providing for all expenses of the call; and,

(4) utilizing appropriate equipment and systems to ensure that all persons participating have adequate sound quality and volume. If the Court determines that the sound quality or volume is insufficient, the court may require the party initiating the call to utilize other means to complete the hearing by telephone or terminate the telephonic hearing and schedule an in-court hearing.

RULE 6-4

CORRESPONDENCE WITH COURT

All correspondence with the Court regarding pending litigation shall refer to the subject case by case title, number, and county, and a copy of such correspondence shall be mailed to opposing counsel or pro se parties.

RULE 6-5

COURT FILES

Unless otherwise directed by the Court, court files may not be checked out.

RULE 6-6

EXHIBITS

Affidavits, depositions, and other proposed exhibits in support of motions shall not be filed with the Clerk unless otherwise ordered by the Court. Nothing in this rule shall prohibit any properly filed pleading from being offered and received into evidence.

RULE 6-7

WITHDRAWAL OF COUNSEL

In addition to the requirements of the Uniform District Court Rules, counsel may be permitted to withdraw from a matter upon filing an affidavit which:

A. Recites that the motion to withdraw and notice of hearing has been served upon the client and all parties of record; and,

B. Provides the client's last known mailing address.

RULE 6-8

PAYMENT OF COURT-APPOINTED COUNSEL

Court-appointed counsel shall be paid an hourly fee established by the Court and kept on file with the Clerk. Before court-appointed counsel's claim for payment is allowed, such attorney shall file a written motion for fees, positively verified, itemizing the time and expenses spent on the case. All motions for fees shall be served on the County Attorney.

RULE 6-9

INTERPRETERS

It is the duty of counsel to notify the Clerk of the Court that an interpreter is necessary. Such notice will be given as soon as possible and in no event less than 10 days prior to hearing. This rule is in addition to the requirements of the Rules Relating to Court Interpreters adopted by the Supreme Court.

APPENDIX NO. 1

PROPERTY AND LIABILITY STATEMENT

_____ vs. _____

CASE NO. _____

ASSETS

A. HOUSEHOLD FURNISHINGS AND EQUIPMENT

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

B. CHECKING AND SAVINGS ACCOUNTS *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					
3.					
4.					
5.					
6.					

C. AUTOMOBILES AND OTHER VEHICLES
(MUST INCLUDE SERIAL NUMBERS)

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					

D. STOCKS AND BONDS *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					

E. REAL ESTATE

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					
3.					

F. LIFE INSURANCE AND RETIREMENT PLANS *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					

G. MISCELLANEOUS *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					

LIABILITIES

H. MORTGAGES OR CONTRACTS ON REAL ESTATE

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					

I. SECURED CREDITORS (DEBTS) *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					
3.					

J. UNSECURED CREDITORS (DEBTS) *

		HUSBAND'S PRESENT VALUE	HUSBAND'S SUGGESTED DIVISION H OR W	WIFE'S PRESENT VALUE	WIFE'S SUGGESTED DIVISION H OR W
1.					
2.					
3.					
4.					
5.					
6.					

K. ASSETS OF HUSBAND ON DATE OF THIS MARRIAGE *

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			
7.			

L. ASSETS OF WIFE ON DATE OF THIS MARRIAGE *

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			

M. DEBTS OF HUSBAND ON DATE OF THIS MARRIAGE *

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

N. DEBTS OF WIFE ON DATE OF THIS MARRIAGE *

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

**O. GIFTS OR INHERITANCES (not including gifts from Spouse)
 RECEIVED BY HUSBAND SINCE DATE OF MARRIAGE ***

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			

**P. GIFTS OR INHERITANCES (not including gifts from Spouse)
RECEIVED BY WIFE SINCE DATE OF MARRIAGE ***

		HUSBAND'S VALUE	WIFE'S VALUE
1.			
2.			
3.			
4.			
5.			
6.			

* Do not provide complete account numbers or identifying information.

STATE OF NEBRASKA)
) SS.
COUNTY OF _____)

The undersigned, _____, Plaintiff, having been duly sworn,
states that the above contains a complete and accurate list of all property in which either party
has any interest and a complete and accurate list of their debts.

Subscribed and sworn to before me this _____ day of _____, ____.

Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF _____)

The undersigned, _____, Defendant, having been duly sworn,
states that the above contains a complete and accurate list of all property in which either party
has any interest and a complete and accurate list of their debts.

Subscribed and sworn to before me this _____ day of _____, ____.

Notary Public